

13. The article of claim 11 wherein a layer comprised of refractory metal oxide or refractory metal alloy oxide is on said color and protective layer.

14. The article of claim 10 wherein a layer comprised of reaction products of (i) refractory metal or refractory metal alloy, (ii) oxygen and (iii) nitrogen is on said color and protective layer.

15. The article of claim 11 wherein a layer comprised of reaction products of (i) refractory metal or refractory metal alloy, (ii) oxygen and (iii) nitrogen is on said color and protective layer.

REMARKS

Claims 1, 5, 6, 7 and 8 have been amended and are presented for reconsideration. Reconsideration of the rejection of claims 2-4 and 9 is respectfully solicited. New claims 10-15 are presented for initial consideration.

Claim 8 stands objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claim 8 has been amended to depend from claim 2 instead of claim 4.

Claims 4-8 stand rejected under 35 USC 112, first paragraph.

Claim 1, from which claims 4-8 ultimately depend, has been amended to state the order of the layers, i.e., the polymer layer on the surface of the article and the color layer on the polymer layer. Claims 4-8, since they depend from amended claim 1 which now recites the order of the layers, now also recite the order of the layers.

Claims 1-9 stand rejected under 35 USC 103(a) as being unpatentable over U.S. patent No. 6,132,889 to Welty in view of U.S. patent No. 6,154,311 to Simmons, Jr.

This rejection is respectfully traversed.

It is settled patent law that the fact a claimed product is within the broad field of the prior art and one might arrive at it by selecting specific items and conditions does not render the product obvious in the absence of some directions or reasons for making such selection. Ex parte Kuhn, 132 USPQ 359 (POBA 1961). It is not within the framework of 35 USC 103 to pick and choose from the relevant prior art only as much as will support a holding of obviousness, to the exclusion of other parts necessary to the full appreciation of what the prior art suggests to one skilled in the art. In re Wesslau, 147 USPQ 391 (CCPA 1965).

What directions or reasons are there in either Welty or Simmons, Jr. for replacing the nickel layer of Welty with the polymer layer of Simmons, Jr.? It is respectfully submitted that the only directions or reasons are found in applicants' disclosure. This hindsight reconstruction of the prior art in view of applicants' disclosure is improper. Thus, for example, Simmons, Jr. teaches, at column 2, lines 66, 67, that

The photocatalytic dielectric combiner is an optically clear ... (emphasis added)

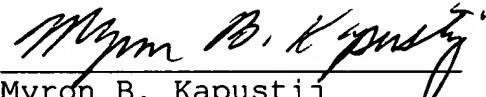
Claims 3 and 10 particularly patentably distinguish over the Simmons, Jr. patent. Simmons, Jr. teaches, at column 4, lines 26-35:

... the thin dielectric film 10 is formed of a plurality of alternating layer of photocatalytic titanium dioxide (TiO<sub>2</sub>) ... and sub-layers of either tantalum oxide (Ta<sub>2</sub>O<sub>5</sub>)<sup>14</sup>, or zirconium oxide (ZrO<sub>2</sub>) ...

Attached hereto is a marked-up version of the changes made to the claims by the current amendment.

In view of the foregoing this application is now believed to be in condition for allowance, and action to such effect is respectfully solicited.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. [amended] An article having on at least a portion of its surface a multi-layer coating comprising:

layer comprised of polymer on said surface of said article;  
color and protective layer comprised of refractory metal compound or refractory metal alloy compound on said layer comprised of polymer.

5. [amended] The article of claim 1 wherein a layer comprised of refractory metal oxide or refractory metal alloy oxide is on said layer comprised of refractory metal compound or refractory metal alloy compound.

6. [amended] The article of claim 4 wherein a layer comprised of refractory metal oxide or refractory metal alloy oxide is on said layer comprised of refractory metal compound or refractory metal alloy compound.

7. [amended] The article of claim 4 wherein a layer comprised of the reaction products of (i) refractory metal or refractory metal alloy, (ii) oxygen and (iii) nitrogen is on said layer comprised of refractory metal compound or refractory metal alloy compound.

8. [amended] The article of claim [4] 2 wherein a layer comprised of the reaction products of (i) refractory metal or refractory metal alloy, (ii) oxygen and (iii) nitrogen is on said layer comprised of refractory metal compound or refractory metal alloy compound.